



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,216	12/26/2001	Robert T. Long SR.	1547520/86600	7380

7590 06/21/2005

Kent A. Herink, Esq.
Suite 2500, The Financial Center
666 Walnut Street
Des Moines, IA 50309

EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,216

Applicant(s)

LONG, ROBERT T.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant has cancelled claims 1-24 and added new claims 25-34 in the paper dated 4/13/05. pending claims 25-34 are examined below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25, 26, 28-32, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,805,366 to Long.

Regarding claims 25 and 29, Long discloses a wall panel comprised of insulation (fig. 2: 13) spaced between concrete layers (fig. 2: 14 & 16), having a plurality (fig. 1) of elongated connectors extending through the insulation layer and having opposite ends embedded in the concrete layers, wherein each connector has longitudinally extending portions (fig. 4: 21 & 28), spaced apart and connected by an internal web (fig. 4: 20) of thinner thickness. Long also discloses each connector as having first and second anchorage surfaces (fig. 4: 22 & 31) capable of transferring forces along the longitudinal portions.

Regarding claims 26 and 31, Long discloses the connector as inherently capable of transferring forces between concrete layers.

Regarding claims 27 and 32, Long discloses the connector as having a centrally located region comprising a perpendicularly extending lip (fig. 4: 32 & fig. 2: 36 & 38) for locating the connector within the insulation layer.

Regarding claim 30, Long discloses anchoring surfaces (fig. 4: 22 & 31) adjacent to the ends (51 & 52) which are inherently capable of transferring forces through the longitudinal portions.

Regarding claim 34, Long discloses the anchorage ends (22 & 31) as being anchored in concrete layers (fig. 2: 14 & 16) and are inherently capable of transferring forces from one concrete layer to the other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,805,366 to Long in view of U.S. Patent No. 5,996,297 to Keith.

Regarding claim 28, Long does not disclose the connector as made from a fiber reinforced polymer having lower conductivity than steel, wherein the polymer is thermoplastic resin and thermoset resin. Keith discloses a connector for insulated walls made from such materials (column 4, lines 38-40 & column 12, lines 58-64). It would

Art Unit: 3635

have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long by using the polymer material, as disclosed by Keith, in order to decrease weight while increasing the strength of the connector.

Response to Arguments

Applicant's arguments filed 4/13/05 have been fully considered but they are moot under new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK


Basil Katcheves

6/14/05

Primary Examiner AU 3635